IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.B.KOSHY
&
THE HONOURABLE MR. JUSTICE T.R.RAMACHANDRAN NAIR

THURSDAY, THE 15TH FEBRUARY 2007 / 26TH MAGHA 1928

WP(C).No. 4026 of 2007(D)

PETITIONER:

SMT.SARAMMA JACOB, W/O.LATE SRI.JACOB,
PUTHENVEEDU, CHENKULAM, POOYAPPALLY, KOTTARAKKARA,
KOLLAM.

BY ADV. SRI.C.RAJENDRAN

RESPONDENTS:
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1. THE STATE OF KERALA,
REPRESENTED BY THE HOME SECRETARY,GOVT.SECRETARIAT
TRIVANDRUM.

2. THE DISTRICT SUPERINTENDENT OF POLICE,
KOLLAM.

3. SRI. GOPINATH,
THE DISTRICT SUPERINTENDENT OF POLICE, KOLLAM.

4. THE CIRCLE INSPECTOR OF POLICE,
C.I. OF OFFICE, EZHUKONE.

5. THE SUB INSPECTOR OF POLICE,
POOYAPPALLY POLICE STATION, POOYAPPALLY.

R1, R2, R4 & R5 BY G.P. SHRI P.A. SALIM

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 15/02/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

J.B. Koshy & T.R. Ramachandran Nair, JJ.

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W.P.(C).NO.4026 of 2007-D

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Dated this the 15th day of February, 2007

JUDGMENT

Koshy, J.

This is a petition alleging police harassment. It is submitted that there is civil dispute between the petitioner and her grandchildren. In a petition under Article 226 of the Constitution of India, we are not deciding the question whether the petitioner has got a right under the will to cut and remove the rubber trees. Civil disputes cannot be decided by this Court.

Govt. Pleader on instructions, submits that civil cases are actually pending. The petitioner will be free to approach the civil Court and to get appropriate orders if she has a right to cut and remove the rubber trees. In the above circumstances, without expressing any opinion regarding the merits of the civil dispute, we direct that police shall not harass both sides.

(J.B. Koshy, Judge.)

(T.R. Ramachandran Nair, Judge.)

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